

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

DYCORA TRANSITIONAL HEALTH
& LIVING – VISALIA LLC,

Petitioner/Respondent,

v.

NATIONAL LABOR RELATIONS
BOARD,

Respondent/Petitioner,

SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL
2015,

Intervenor for
Respondent/Petitioner.

Case Nos.: 18-1295; 18-1323

MOTION TO WITHDRAW AS COUNSEL

Christopher M. Foster and Ronald J. Holland, both of McDermott Will & Emery LLP, (collectively, “Movants”) hereby move this Court for an order withdrawing their appearances as counsel for Petitioner/Respondent Dycora Transitional Health & Living – Visalia LLC (“Dycora”).

Dycora has been apprised of and consents to this Motion. Counsel for the Union does not oppose this Motion and Counsel for the National Labor Relations Board takes no position.

In support of this Motion, Movants state that fundamental and irreconcilable differences have developed between Movants and Dycora, and that Dycora has failed to fulfill substantial obligations to Movants. Any one of these issues independently, and all of them together, prevent Movants from continuing to represent Dycora and fulfilling duties to this Court.

Movants have apprised Dycora's General Counsel, Derek Lane, of this Motion, Dycora consents to this Motion, and a copy has been served on it. Mr. Lane requests that counsel for the other parties, as needed, contact Dycora through him as follows until other counsel is designated: *mailing*: 650 W. Alluvial Ave, Fresno, CA 93711; *phone*: 559.430.3901; *and email*: Derek.Lane@dycora.com.

Accordingly, Movants respectfully request that the Court enter an order granting this Motion and thus withdrawing the appearances of Christopher M. Foster and Ronald J. Holland of McDermott Will & Emery LLP.

Dated: May 31, 2019

Respectfully submitted,

By: /s/ Christopher M. Foster
Ronald J. Holland (Cal. Bar No. 148687)
rjholland@mwe.com
Christopher M. Foster (Cal. Bar No. 278932)
cfoster@mwe.com
MCDERMOTT WILL & EMERY LLP
415 Mission St Suite 5600
San Francisco, CA 94105-2533
Tel: (628) 218-3800
Fax: (628)877-0107

CERTIFICATE OF SERVICE

I certify that on May 31, 2019, I electronically filed the foregoing Motion to Withdraw as Counsel with the Clerk of the Court for the DC Circuit Court of Appeal by using the appellate CM/ECF system. Additionally, I have caused a true copy of the foregoing to be emailed and sent by U.S. Mail to the following:

Greg Paul Lauro
NLRB APPELLATE BRANCH
1015 Half Street, SE
Washington, DC 20570
Greg.Lauro@nlrb.gov

David Rosenfeld
WEINBERG ROGER ROSENFELD
1001 Marina Village Pkwy # 200
Alameda, CA 94501
drosenfeld@unioncounsel.net

Derek Lane
**DYCOR TRANSITIONAL HEALTH
& LIVING – VISALIA LLC**
650 W. Alluvial Ave,
Fresno, California 93711
Derek.Lane@dycora.com.

/s/ Christopher Foster
Ronald J. Holland (Bar No. 148687)
rjholland@mwe.com
Christopher Foster (Bar No. 278932)
cfoster@mwe.com
MCDERMOTT WILL & EMERY
415 Mission St Suite 5600
San Francisco, CA 94105-2533
Tel: 628 218 3800
Fax: 628 877 0107

Dated at San Francisco, CA
This 31st day of May 2019
DM_US 160173138-4.105282.0014